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10/739,437	12/18/2003	Randolph Michael Forlenza	AUS920030923US1	9294

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EXAMINER

LOFTIN, CELESTE

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/739,437

Applicant(s)

FORLENZA ET AL.

Examiner

Celeste L. Loftin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 22-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mauro II (Mauro), **U.S. Publication 2004/0203937** in view of Jones et al. (Jones), **GB Publication (2,272,097)**.

Regarding claim 1, Mauro discloses A method for using tactile capabilities to communicate from a first party using a first device to a second party using a second device, said method comprising:

establishing a telecommunication connection between said first device and said second device, said telecommunication connection being operable to transmit voice communications (reads on if signals are transmitted by a communication device are voice messages then the communication device is operation in a voice service option operational mode) (**pg. 2 paragraphs [0028] and [0029]**) ;

detecting when said telecommunication connection has been established, said detecting being accomplished by said second device (in response to the host processor

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of the destination device changes its operational mode and sends a message to the initiating device that will confirm the changed operational mode and will result in both devices operation in the desired mode) (**pg. 1 paragraphs [0005] and [0006]**).

Mauro fails to disclose upon said detecting, said second device being operable for sending instructions from said second device to said first device for selecting keypad inputs by a user of said first device in response to subsequent communications from said second device to said first devices said second device being responsive to said keypad inputs at said first device and received by sold second device for commencing different predetermined vibration patterns by said second device in response to corresponding ones of said keypad inputs.

In a similar field of endeavor, Jones discloses upon said detecting, said second device being operable for sending instructions from said second device to said first device for selecting keypad inputs by a user of said first device in response to subsequent communications from said second device to said first devices (the teacher can input instructions into the aid by using a microphone (second device) and at the same time the teacher can instruct the students my inputting a word or sentence on the screen while they are speaking) (**pg. 8 lines 1-10, pg. 7 paragraphs 19-27**) said second device being responsive to said keypad inputs at said first device and received by said second device for commencing different predetermined vibration patterns by said second device in response to corresponding ones of said keypad inputs (after the teacher inputs the word or sentence being spoken when he speaks and the student speaks the instructions the output can produce electrical outputs varying in

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correspondence with speech patterns but in a frequency range that can be directly transformed into mechanical vibrations of diaphragms for example (vibrations that vibrate in a manner characteristic to model speech)) (**pg. 8 lines 1-24**).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Mauro to include upon said detecting, said second device being operable for sending instructions from said second device to said first device for selecting keypad inputs by a user of said first device in response to subsequent communications from said second device to said first devices said second device being responsive to said keypad inputs at said first device and received by said second device for commencing different predetermined vibration patterns by said second device in response to corresponding ones of said keypad inputs. Motivation for this modification would have been to provide a comprehensive speech-education system combined with a vocabulary-teaching system for the deaf or hearing-impaired child.

Regarding claim 2, the combination discloses the method as set forth in claim 1. Jones further discloses wherein said vibration patterns are related to corresponding predetermined messages (the aid may contain software that is pre-programmed and sold as an off the shelf package, which can be personalized and made unique for a particular pupil) (**pg. 5 20-27, pg. 6 lines 1-5**).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Mauro to include wherein said vibration patterns are related to corresponding predetermined messages. Motivation for this modification would have

been to provide a comprehensive speech-education system combined with a vocabulary-teaching system for the deaf or hearing-impaired child.

Regarding claim 3, the combination discloses the method as set forth in claim 1. Jones further discloses wherein said instructions are caused to be displayed on a display screen of said first device (the screen might show a picture or word and the pupil attempts to reproduce it by speaking into the microphone the words seen on the screen) **(pg. 6 lines 10-27)**.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Mauro to include wherein said instructions are caused to be displayed on a display screen of said first device. Motivation for this modification would have been to provide a comprehensive speech-education system combined with a vocabulary-teaching system for the deaf or hearing-impaired child.

Regarding claim 4, the combination discloses the method as forth in claim 1. Jones further discloses wherein said instructions are sent as a pre-recorded audio message from said second device to said first device (the teacher can speak directly into the aid first, while the input is recorded, and the pupil can follow) **(pg 8, lines 1-10)**.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Mauro to include wherein said instructions are sent as a pre-recorded audio message from said second device to said first device. Motivation for this modification would have been to provide a comprehensive speech-education system combined with a vocabulary-teaching system for the deaf or hearing-impaired child.

Regarding claim 5, the combination discloses the method as set forth in claim 1. Jones further discloses wherein said second device includes voice recognition means, said voice recognition means being operable for causing predetermined vibration patterns to occur at said second device in response to predetermined voice inputs to said first device (the keyboard is used to input direct speech to the aid and the output is digitized in a DSP and this is then fed to the voice analysis system, this converts the words into phonemes so that their component parts are readily demonstrable in a manner recognizable to a deaf person, the output will produce electrical outputs varying in corresponding speech patterns) **(pg. 8 lines 10-25, pg. 5, lines 20-25)**.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Mauro to include wherein said second device includes voice recognition means, said voice recognition means being operable for causing predetermined vibration patterns to occur at said second device in response to predetermined voice inputs to said first device. Motivation for this modification would have been to provide a comprehensive speech-education system combined with a vocabulary-teaching system for the deaf or hearing-impaired child.

Regarding claim 6, the combination discloses the method as set forth in claim 1. Mauro further discloses wherein at least one of said first and second communication devices comprises a wireless communication device (reads on the communication system includes multiple wireless communication devices (WCD)) **(paragraph [0025])**.

Regarding claim 7, the combination discloses the method as set forth in claim 6. Mauro further discloses wherein said one of said first and second communication

devices comprises a cell phone (reads on examples of WCD include cellular telephones) (**paragraph [01028]**).

Regarding claim 8, the combination discloses the method as set forth in claim 6. Mauro further discloses wherein said one of said first and second communication devices comprises a personal digital assistant device (reads on examples of WCD include cellular telephones, wireless communication enabled personal computers and PDA and other wireless devices) (**paragraph [01028]**).

Regarding claim 9, the combination discloses the method as set forth in claim 1. Jones further discloses wherein said instructions are 'presented on a display screen of said first communication device (the screen might show a picture with a trace corresponding to the spoken word) (**pg. 6 lines 10-27**).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Mauro to include wherein said instructions are 'presented on a display screen of said first communication device. Motivation for this modification would have been to provide a comprehensive speech-education system combined with a vocabulary-teaching system for the deaf or hearing-impaired child.

Regarding claim 10, Mauro disclose a storage medium (i.e. exemplary storage medium) (**paragraph [0057]**) including machine readable coded indicia (software module may reside in RAM memory or any other form of storage medium) (**paragraph [0057]**), said storage medium being selectively coupled to a reading device (reads on an exemplary storage medium is coupled to a processor) (**paragraph [0057]**), said reading device being selectively coupled to processing circuitry within a communication

device (reads on such that the processor may read information from and write information to) (**paragraph [0057]**), said reading device being selectively operable to read said machine readable coded indicia and provide program signals representative thereof (the memory is connected to the processor and it can store program code and data during operation of the WCD) (**paragraph [0051]**), said program signals being selectively operable for:

establishing a telecommunication connection between said first device and said second device, said telecommunication connection being operable to transmit voice communications (reads on if signals are transmitted by a communication device are voice messages then the communication device is operation in a voice service option operational mode) (**pg. 2 paragraphs [0028] and [0029]**) ;

detecting when said telecommunication connection has been established, said detecting being accomplished by said second device (in response to the host processor of the destination device changes its operational mode and sends a message to the initiating device that will confirm the changed operational mode and will result in both devices operation in the desired mode) (**pg. 1 paragraphs [0005] and [0006]**).

Mauro fails to disclose upon said detecting, said second device being operable for sending instructions from said second device to said first device for selecting keypad inputs by a user of said first device in response to subsequent communications from said second device to said first devices said second device being responsive to said keypad inputs at said first device and received by sold second device for commencing

different predetermined vibration patterns by said second device in response to corresponding ones of said keypad inputs.

In a similar field of endeavor, Jones discloses upon said detecting, said second device being operable for sending instructions from said second device to said first device for selecting keypad inputs by a user of said first device in response to subsequent communications from said second device to said first devices (the teacher can input instructions into the aid by using a microphone (second device) and at the same time the teacher can instruct the students by inputting a word or sentence on the screen while they are speaking) (**pg. 8 lines 1-10, pg. 7 paragraphs 19-27**) said second device being responsive to said keypad inputs at said first device and received by said second device for commencing different predetermined vibration patterns by said second device in response to corresponding ones of said keypad inputs (after the teacher inputs the word or sentence being spoken when he speaks and the student speaks the instructions the output can produce electrical outputs varying in correspondence with speech patterns but in a frequency range that can be directly transformed into mechanical vibrations of diaphragms for example (vibrations that vibrate in a manner characteristic to model speech)) (**pg. 8 lines 1-24**), and said program signals being selectively operable for using tactile capabilities to communicate information from a first party using a first communication device to a second party using a second communication device and enabling said second communication device to commence a vibration of said second communication device in response to said received information signals (after the teacher inputs the word or sentence being

spoken when he speaks and the student speaks the instructions the output can produce electrical outputs varying in correspondence with speech patterns but in a frequency range that can be directly transformed into mechanical vibrations of diaphragms for example (vibrations that vibrate in a manner characteristic to model speech)) (pg. 8 lines 1-24).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Mauro to include upon said detecting, said second device being operable for sending instructions from said second device to said first device for selecting keypad inputs by a user of said first device in response to subsequent communications from said second device to said first devices said second device being responsive to said keypad inputs at said first device and received by said second device for commencing different predetermined vibration patterns by said second device in response to corresponding ones of said keypad inputs and said program signals being selectively operable for using tactile capabilities to communicate information from a first party using a first communication device to a second party using a second communication device and enabling said second communication device to commence a vibration of said second communication device in response to said received information signals. Motivation for this modification would have been to provide a comprehensive speech-education system combined with a vocabulary-teaching system for the deaf or hearing-impaired child.

Regarding claim 11, the combination discloses the medium as set forth in claim 10. Jones further discloses wherein said vibration patterns are related to corresponding

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predetermined messages (the aid may contain software that is pre-programmed and sold as an off the shelf package, which can be personalized and made unique for a particular pupil) (**pg. 5 20-27, pg. 6 lines 1-5**).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combination to include wherein said vibration patterns are related to corresponding predetermined messages. Motivation for this modification would have been to provide a comprehensive speech-education system combined with a vocabulary-teaching system for the deaf or hearing-impaired child.

Regarding claim 13, the combination discloses the medium as set forth in claim 10. Jones further discloses wherein said instructions are caused to be displayed on a display screen of said first device (the screen might show a picture or word and the pupil attempts to reproduce it by speaking into the microphone the words seen on the screen) (**pg. 6 lines 10-27**).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combination to include wherein said instructions are caused to be displayed on a display screen of said first device. Motivation for this modification would have been to provide a comprehensive speech-education system combined with a vocabulary-teaching system for the deaf or hearing-impaired child.

Regarding claim 13, the combination discloses the medium as forth in claim 10. Jones further discloses wherein said instructions are sent as a pre-recorded audio message from said second device to said first device (the teacher can speak directly into the aid first, while the input is recorded, and the pupil can follow) (**pg 8, lines 1-10**).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combination to include wherein said instructions are sent as a pre-recorded audio message from said second device to said first device. Motivation for this modification would have been to provide a comprehensive speech-education system combined with a vocabulary-teaching system for the deaf or hearing-impaired child.

Regarding claim 14, the combination discloses the medium as set forth in claim 10. Jones further discloses wherein said second device includes voice recognition means, said voice recognition means being operable for causing predetermined vibration patterns to occur at said second device in response to predetermined voice inputs to said first device (the keyboard is used to input direct speech to the aid and the output is digitizes in a DSP and this is then fed to the voice analysis system, this converts the words into phonemes so that their component parts are readily demonstrable in a manner recognizable to a deaf person, the output will produce electrical outputs varying in corresponding speech patterns) (**pg. 8 lines 10-25, pg. 5, lines 20-25**).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combination to include wherein said second device includes voice recognition means, said voice recognition means being operable for causing predetermined vibration patterns to occur at said second device in response to predetermined voice inputs to said first device. Motivation for this modification would

have been to provide a comprehensive speech-education system combined with a vocabulary-teaching system for the deaf or hearing-impaired child.

Regarding claim 15, the combination discloses the medium as set forth in claim 10. Mauro further discloses wherein at least one of said first and second communication devices comprises a wireless communication device (reads on the communication system includes multiple wireless communication devices (WCD)) (**paragraph [0025]**).

Regarding claim 16, the combination discloses the medium as set forth in claim 15. Mauro further discloses wherein said one of said first and second communication devices comprises a cell phone (reads on examples of WCD include cellular telephones) (**paragraph [01028]**).

Regarding claim 17, the combination discloses the medium as set forth in claim 15. Mauro further discloses wherein said one of said first and second communication devices comprises a personal digital assistant device (reads on examples of WCD include cellular telephones, wireless communication enabled personal computers and PDA and other wireless devices) (**paragraph [01028]**).

Regarding claim 18, the combination discloses the medium as set forth in claim 10. Jones further discloses wherein said instructions are 'presented on a display screen of said first communication device (the screen might show a picture with a trace corresponding to the spoken word) (**pg. 6 lines 10-27**).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combination to include wherein said instructions are 'presented on a display screen of said first communication device. Motivation for this modification

would have been to provide a comprehensive speech-education system combined with a vocabulary-teaching system for the deaf or hearing-impaired child.

Regarding claim 19, Mauro discloses a first device enabled receive predetermined input transmitted from a second device and provide user tactile output from said first device in response thereto said first device comprising:

a system bus (it is inherent that a system bus is used to connect the CPU, memory, display and input means);

a CPU device connected to said system bus (i.e. processor) (**paragraph [0048]**);
memory means connected to said system bus (i.e. memory device) (**paragraph [0048]**);
, said first device being selectively operable for establishing a telecommunication connection between said first device and a second device, said telecommunication connection being operable to transmit voice communications reads on if signals are transmitted by a communication device are voice messages then the communication device is operation in a voice service option operational mode) (**pg. 2 paragraphs [0028] and [0029]**), said first device being further operable for detecting when said telecommunication connection has been established (reads on if signals are transmitted by a communication device are voice messages then the communication device is operation in a voice service option operational mode) (**pg. 2 paragraphs [0028] and [0029]**).

Mauro fails to disclose upon said detecting, said first device being operable for sending instructions from said first device to said second device for selecting keypad inputs by a user of said second device in response to subsequent communications from

said first device to said second device, said first device belong responsive to said keypad inputs at said second device and received by said first device for commencing different predetermined vibration patterns of said first device in response to corresponding ones of said: keypad inputs at said second device.

In a similar field of endeavor, Jones discloses upon said detecting, said first device being operable for sending instructions from said first device to said second device for selecting keypad inputs by a user of said second device in response to subsequent communications from said first device to said second device (the teacher can input instructions into the aid by using a microphone (second device) and at the same time the teacher can instruct the students by inputting a word or sentence on the screen while they are speaking) (pg. 8 lines 1-10, pg. 7 paragraphs 19-27) said first device belong responsive to said keypad inputs at said second device and received by said first device for commencing different predetermined vibration patterns (information may be erased or held for sometime (the information could be the race that remains while the pupil attempts to reproduce it by speaking into the microphone, also the aid could contain a program that can be personalized for the pupil)) (pg. 6 lines 10-27 and 1-5) of said first device in response to corresponding ones of said: keypad inputs at said second device (after the teacher inputs the word or sentence being spoken when he speaks and the student speaks the instructions the output can produce electrical outputs varying in correspondence with speech patterns but in a frequency range that can be directly transformed into mechanical vibrations of diaphragms for example (vibrations that vibrate in a manner characteristic to model speech)) (pg. 8 lines 1-24).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Mauro to include upon said detecting, said first device being operable for sending instructions from said first device to said second device for selecting keypad inputs by a user of said second device in response to subsequent communications from said first device to said second device, said first device being responsive to said keypad inputs at said second device and received by said first device for commencing different predetermined vibration patterns of said first device in response to corresponding ones of said keypad inputs at said second device. Motivation for this modification would have been to provide a comprehensive speech-education system combined with a vocabulary-teaching system for the deaf or hearing-impaired child.

Regarding claim 22, Mauro discloses a method for effecting a vibratory response at a first communication device in response to a detection of a telecommunication connection to a predetermined type of electronic device, said method comprising: establishing a telecommunication connection between said first communication device and an electronic device (reads on if signals are transmitted by a communication device are voice messages then the communication device is operation in a voice service option operational mode) (**pg. 2 paragraphs [0028] and [0029]**).

Mauro fails to disclose receiving device signals by said first device from said electronic device, said device signals being indicative that said electronic device is of said predetermined type; and commencing a vibration pattern of said first communication device in response to said receipt of said device signals.

In a similar field of endeavor, Jones discloses receiving device signals by said first device from said electronic device, said device signals being indicative that said electronic device is of said predetermined type (the keyboard is used to input direct speech to the aid and the output is digitizes in a DSP and this is then fed to the voice analysis system, this converts the words into phonemes so that their component parts are readily demonstrable in a manner recognizable to a deaf person, the output will produce electrical outputs varying in corresponding speech patterns, (information may be erased or held for sometime (the information could be the race that remains while the pupil attempts to reproduce it by speaking into the microphone, also the aid could contain a program that can be personalized for the pupil)) **(pg. 8 lines 10-25, pg. 5, lines 20-25 pg. 6 lines 10-27 and 1-5)**; and commencing a vibration pattern of said first communication device in response to said receipt of said device signals (after the teacher inputs the word or sentence being spoken when he speaks and the student speaks the instructions the output can produce electrical outputs varying in correspondence with speech patterns but in a frequency range that can be directly transformed into mechanical vibrations of diaphragms for example (vibrations that vibrate in a manner characteristic to model speech)) **(pg. 8 lines 1-24)**.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the Mauro to include receiving device signals by said first device from said electronic device, said device signals being indicative that said electronic device is of said predetermined type; and commencing a vibration pattern of said first communication device in response to said receipt of said device signals. Motivation for

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this modification would have been to provide a comprehensive speech-education system combined with a vocabulary-teaching system for the deaf or hearing-impaired child.

4. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mauro II (Mauro), **U.S. Publication 2004/0203937**, in view of Jones et al. (Jones), **GB Publication (2,272,097)**, in further view of Tomimori, **U.S. Patent (06,456,841)**.

Regarding claim 23, Mauro and Jones disclose the method as set forth in claim 22 but fail to disclose wherein said first electronic device is a facsimile telecommunication unit machine.

In a similar field of endeavor, Tomimori discloses wherein said first electronic device is a facsimile telecommunication unit machine (i.e. controller, it carries out an answering machine function) **(col. 4 lines 23-26)**.

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify the combination to include wherein said first electronic device is a facsimile telecommunication unit machine. Motivation for this modification is to allow users to receive a message sent and record it.

Regarding claim 24, Mauro and Aoki disclose the method as set forth in claim 22 but fail to disclose wherein said electronic device includes an automated voicemail system, said automated voicemail system being detected by said first communication device.

In a similar field of endeavor, Tomimori discloses wherein said electronic device includes an automated voicemail system, said automated voicemail system being

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detected by said first communication device (reads on it carries out an answering machine function) (**col. 4 lines 23-26**).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify the combination to include wherein said electronic device includes an automated voicemail system, said automated voicemail system being detected by said first communication device. Motivation for this modification is to allow users to receive a message sent and record it.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bright et al., US Publication 2002/0165013, discloses a wireless device with vibrational communication capabilities.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Celeste L. Loftin whose telephone number is 571-272-2842. The examiner can normally be reached on Monday thru Friday 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CL


J. K. KONTE
PATENT EXAMINER